

### **REMARKS**

As a preliminary matter, the present application has been transferred by Applicant to the undersigned's law firm for continued prosecution. A revocation and new Power of Attorney was filed with the Office on February 16, 2006 to complete this transfer.

Applicant has now had an opportunity to carefully consider the Office Action, and respectfully submits that the subject application is now in condition for allowance based upon the amendments presented herein and the following remarks.

### **Status of Claims**

The subject application was originally filed with 42 claims. In prior Amendments, claim 33 was cancelled without prejudice and claim 43 was added.

In this Amendment, Applicant has cancelled claims 18-20, 23, 26, 28, and 39-41 without prejudice and reserves the right to present these claims, or the subject matter recited therein, in this or a later filed case. Additionally, in this Amendment, Applicant has amended claims 1, 6, 7, 12, 21, 22, 24, 25, 27, 29, 32, 34-36, and 42, and added new claims 44-50. Upon entry of this Amendment, claims 1-17, 21, 22, 24, 25, 27, 29-32, 34-38, and 42-50 will be pending in the subject application.

### **Summary of Office Action**

In the Office Action dated March 1, 2006, the Examiner rejected:

- 1) claims 6, 7, and 12 under 35 U.S.C. § 112, ¶2;
- 2) claims 1-29, 31, 32, and 34-43 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,921,276 issued to Lam et al. ("Lam"); and
- 3) claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Lam.

### **35 U.S.C. § 112 Rejection of Claims 6, 7, and 12**

Applicant has amended claims 6, 7, and 12 to correct the antecedent basis issues contained therein. Accordingly, the rejection under 35 U.S.C. § 112, ¶2 with respect to these claims should be withdrawn.

### **35 U.S.C. § 102(b) Rejection of Claims 1-29, 31, 32, and 34-43 Based on Lam**

As discussed above, claims 1-29, 31, 32, and 34-43 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lam. For at least the following reasons, Applicant traverses this rejection.



Regarding amended claim 1, Lam fails to disclose or suggest a guide having radially disposed formations that include “at least one resilient guide leg having a connection element for engaging a corresponding receiving portion in the body.” Instead, Lam discloses a guide member 10 having a ring 9 that is supported by rigid, radially disposed ribs 8. Ring 9 is threadedly secured to a valve body 2 to position guide member 10 therein (see Figs. 2 and 3 of Lam).

With respect to amended claim 34, Lam fails to disclose or suggest a guide having “at least one axially extending, cantilevered guide leg that includes a connection element for engaging a corresponding groove or recess in the body.” In contrast, Lam discloses a guide member 10 having radially disposed ribs 8 that supports ring 9, which is threadedly secured to body 2 (see Figs. 2 and 3 of Lam).

Regarding amended claim 35, Lam fails to disclose or suggest a method for making a valve assembly that includes the steps of “axially inserting the guide and the valve into the body through the fluid outlet opening, such that the connection element is biased radially outward” and “continuing to axially insert the guide and the valve into the body until the connection element moves radially outward to engage the receiving portion in the body.” Instead, Lam discloses a check valve 1 that is assembled by threading ring 9 into valve body 2, thereby securing guide member 10 within valve body 2.<sup>1</sup>

For at least these reasons, the 35 U.S.C. § 102(b) rejection with respect to claims 1-29, 31, 32, and 34-43 is unsupported by Lam and the other cited art, and should be withdrawn.

#### **35 U.S.C. § 103(a) Rejection of Claim 30 Based on Lam**

As discussed above, claim 30 was rejected under 35 U.S.C. § 103(a) as being anticipated by Lam. For at least the reasons noted above with respect to amended claim 1, the Office Action fails to set forth a *prima facie* case of obviousness since Lam fails to disclose or suggest a guide having radially disposed formations that include “at least one resilient guide leg having a connection element for engaging a corresponding receiving portion in the body.” Since the Office Action fails to set forth a *prima facie* case of obviousness, the 35 U.S.C. § 103(a) rejection should be withdrawn.

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<sup>1</sup> Lam is silent with respect to the method for assembling the check valve disclosed therein. However, based upon a review of the drawings (see Figs. 2 and 3), it is reasonable to assume that ring 9 is threaded into body 2 to secure guide member 10 within valve body 2.



### **New Claims**

As discussed above, Applicant has added new claims 44-50. Applicant submits that these new claims do not introduce new matter as they are supported by the specification and drawings of the subject application. Additionally, consideration of these new claims should not require an additional search. Applicant respectfully submits that new claims 44-50 are patentable in light of the prior art of record.

### **Information Disclosure Statement**

Applicant submits herewith an Information Disclosure Statement that includes references cited in a European Search Report issued in a corresponding European patent application. Upon consideration of these references, Applicant respectfully requests that the Examiner initial Forms PTO/SB/08A and 08B in the spaces provided and return these forms to Applicant with the next communication.

### **Conclusion**


In view of the remarks above and the amendments presented herein, it is believed that claims 1-17, 21, 22, 24, 25, 27, 29-32, 34-38, and 42-50 are in condition for allowance and notice to such effect is respectfully requested. If the Examiner thinks a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at the phone number provided below.

Applicant believes that no fee is due with this Amendment. However, if a fee is due, the Commissioner is authorized to charge Deposit Account No. 02-2051, specifically identifying Docket No. 29422-1.

Respectfully submitted,

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